Scott. E-37—40,000—27-10-52.

Food (1951-8) Department.

Ms. SERIES.

G.O. No. 532

Dated 12th June 1948.

[Despatch Abstract.]

Civil Supplies - Foodgrain - Requisitioning order - Extension to Pudukottah and Banganapalle States - Orders issued -

GOVERNMENT OF MADRAS
Abstract.

CIVIL SUPPLIES - Foodgrains - Requisitioning Order - Extension to Pudukottah and Banganapalle States - Orders issued -

---

Food Department

G.O.Ms.No.532. Dated the 12th June, 1948.
Read the following:-

G.O.Ms.No.1360 Food dated 23-12-47.
" 119 " 14-2-1948.
" 164 " 28-2-48.

Read also
G.O.Ms.No.1172 Public(Political) dated 12-5-48.

O R D E R:

The appended Notifications will be published in English in the Fort St. George Gazette.

2. The Superintendent, Government Press, Madras is requested to publish these notifications in the Fort St. George Gazette dated 15-6-48 without fail. His attention is specially invited to Notification II appended and he is requested to fill up in the appropriate place in this Notification the details regarding the page of the Gazette in which the Notification I appended will be published.

(By Order of His Excellency the Governor)

M.A. Kuttalalingam Pillai,
Secretary to Government.

To
The Superintendent, Govt. Press for publication in the Fort St. St. George Gazette dated 15-6-48.
The Board of Revenue (Civil Supplies) Madras (10 copies).
The Board of Revenue (Land Revenue and Irrigation).
All Collectors.
The Inspector General of Police, Madras
The Deputy Inspector General of Police, Madras.
The Govt. of India, Ministry of Food, New Delhi 3 copies.
Cop to:-
The Regional Food Commissioner, Madras.
The Legal Deptt. 3 copies.
The Revenue, Finance, Home and Public Deptts.
The Director of Information and Publicity.
The Private Secretary to the Hon'ble Premier.
to C and D. sections.

APPENDIX.
Notification I.

In exercise of the powers conferred by section 3(1) and (2) of the Essential Supplies(Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with Public(Political) Department Notification No.27, dated the 12th May 1948, published at page 425 of Part I of the Fort St. George gazette dated the 18th May 1948, the Notification of the Govt. of India, Ministry of States, No176-IB, dated the 23rd March 1948, the Notification of the Government of India, Department of Food, No.PY.603(2)-1, dated the 21st October 1946, and section 17(2) of the said Act, and of all other powers hereunto enabling, and with the concurrence of the Government of India, His Excellency the Governor of Madras hereby directs that the Order published with the Food Department Notification, dated the 23rd December 1947, at pages 2-3 of an extraordinary issue of the Fort St. George Gazette, dated the 24th December 1947, as for the time being in force, shall extend to the States of Banganapalle and Pudukkottai as if the said States form part of the districts of Kurnool and Tiruchirapalli respectively in the Province of Madras.

P.T.O.

NOTIFICATION II.

Under clause 1(2) of the Order published with the Food Department Notification, dated the 23rd December 1947, at pages 2-3 of an extra-ordinary issue of the Fort St. George Gazette, dated the 24th December 1947, as subsequently amended, read with the Food Department Notification, dated the 12th June 1948, published at page . 463. . of Part II of the Fort St. George Gazette, dated the 15th June 1948, His Excellency the Governor of Madras hereby notifies the 15th day of June, 1948 as the date on which the said Order, except clause 1 thereof which has already come into force in the whole of the Province of Madras, shall come into force in the States of Banganapalle and Pudukkottai.

/True Copy/

Office Assistant,
Madras Record Office.

gs/5-12/

Note

Sub:- State - Banaganapalle - Merger - Administrative details

Issued as u.o. note 13471K/48-1 dated 14-4-48.
Issued as Memorandum 13471K/48-2 dated 14-4-48.
From the Board of Revenue (Civil Supplies)
E 50978-1/48 dated 30-4-48.

To

A.S.

Consequent on the merger of the Banaganapalle State with the Madras Province, Public(Political) Department requested the Departments of the Secretariat to furnish a list of Provincial laws and the Central Acts which the Departments propose to extend to the merged area. So far as Food Department was concerned, Public (Political) were requested to include Madras Act XIV of 1946 in the list of acts which that department proposed to extend to the merged areas of Banaganapalle and Pudukkottai. As regards Central Act XXIV of 1946 'Essential Supplies (Temporary Powers) Act, 1946" the Public (Political) Department are at the instance of Food Department, taking separate action to extend the Act to the merged areas, with the concurrence of the Government of India. As several orders issued under the Madras Act XIV of 1946 and Central Act XXIV of 1946 had to be extended to the merged areas, the Board was requested to say as to which of the Control Orders may be extend to these areas. The Board's reply is at pp.23-24 c.f.

After the extension of the Act (Madras Act XIV of 1946 and Central Act XXIV of 1946) is ordered, action has to be taken in this Department to extend the Control Orders, issued under these orders to these areas. The control orders which the Board now recommends for extension to these areas relate generally to A, B, C, D, F, & G. sections. A copy of Board's reference may be given to the sections concerned for necessary further action.

Yes.
V.V
6/5/48.

V.V.
6/5/48

S.K.
6/5/48.

I think it will be a convenient arrangement if one section (k) continues to deal with all the notification concerned rather than leave this to be dealt with by ½ a dozen sections. The file may be sent through the concerned sections who will contribute necessary notes. I do not press this view, however, if AS III & AS do not agree.

N.A. 7/5/48.

I still consider that the most convenient arrangement is for eahh sections to take action with reference to its own notifications. I do not think that K section can be saddled with this work when it is not concerned even with one of the notifications in question.

V.V.8/5 /48.

I agree with A.S. III

S.K.
8/5/48

N.A.
8/5/48

(True Copy)

P.T.O.

Extract of Notes relating to C.No.21975-A/48, Food, dated, dated the 24th May 1948.

Food Department(A).

A.S.

Please see extracts of notes on p.1 above. This file deals with the question of extension of food control orders to the Banganapallee and Pudukottah States which have been merged with the Province. The Essential Supplies (Temporary Powers) Act, 1946 (Central Act, XXIV of 1946) has now been extended to these States. So far as this section is concerned, the question of extending the following orders has to be considered:-

1) Madras Food-grains Price Control Order.
2) Orders relating to requisitioning of foodgrains.
3) Order appointing the Collectors of districts as authorised controllers of rice mills.

ITEM (1) ~~ABOVE~~:

The Board has suggested that this order may be extended to the States. Since the Pudukottah and Banganapalle States have been merged with the Tiruchirapallee and Kurnool districts respectively the prices applicable to these districts have to be applied to the respective states also. It is also pointed out that though village site prices for paddy and f.o.r. prices for paddy and rice have been fixed for Tiruchirapalle district, it does not appear necessary to fix these prices for Pudukottah State. It would be sufficient if only the wholesale prices for paddy, rice and millets are notified for these States. For orders whether this may be done.

This would be enough.
N.A.
21-5-48.

I agree.
M.A.K.
22-5-48.

ITEM (2)

The Board has not referred to this order but has only stated that the procurement order need not be extended to the States. As the intensive procurement order is not in force either in the Tiruchirapalle or Kurnool districts it need not be extended to the States also. But the order relating to requisitioning of foodgrains, which is intended to a measure to meet any emergency and is the only effective remedy against hoarding, may be extended to the States. For orders.

N.A.
21-5-48.
Yes.
M.A.K.
22-5-48.

ITEM (3):

This is not an important order and it has already been suggested in another connection that this may now be cancelled. So, it does not appear necessary to extend this order to the States at this stage. For orders.

N.A.
21-5-48
M.A.K.
22-5-48.

Subject to orders 2 draft orders are submitted for approval. The file may be sent to Legal Department for scrutiny of the draft notifications.

M.S.
20-5-48.

N.A.
21-5-48.

M.A.K
22-5-48.

Food U.O.No.21975 A/48-1
24-5-1948.

Legal Department.

DRAFTI:- Instead of adding a new clause 7 to the Order as proposed in the draft, clauses 3 and 4 of the Order, which are the relevant clauses, may be amended so as to bring within their scope the States in question and in Schedules IV

contd:-

II and III to the Order fresh items as regards the states may be included. The draft notification may, therefore, be revised as at (N) - The note under Schedule II to the order also required modification. Food Department will no doubt incorporate the necessary amendments in that respect.

DRAFT II:- The notification in this draft purports to be issued under clause 1(2) of the Order published with Food Department Notification, dated the 23rd December 1947, but that Order itself should first be extended to the States in question before any of its provisions can be invoked. Two draft notifications, one extending the Order and the Other bringing it into force, are therefore put up at pages 1-3 of (F).

Legal U.O.6380-1
D/27-5-48. 27-5-48.

Food (A)

A.S.

Please see notes of Legal Department above. The revised drafts suggested by that Department may be accepted. With reference to 'S' above, a statement showing the existing position and the Note under Schedule II as proposed be amended is put up at (K). For orders whether the amendments proposed in col. 3 of the statement will be approved. Subject to orders necessary corrections have been incorporated in the revised draft at (N). Legal may see for scrutiny of these amendments.

Attention is also invited to Notification II in the second revised draft suggested by Legal Department at (F). Certain details relating to Notification I in this draft have to be inserted in the Notification II. This may not be possible if both the notifications are issued and published together. It is therefore suggested that Notification I may be published first and Notification II a few days later.

It is also submitted that in view of the fact that the Government of India have already given them permission for the extension of the Essential Supplies (Temporary Powers) Act 1946, to these states it does not appear necessary to obtain their prior concurrence for the extension of these orders to the States.

Legal may see.

M.A.K.
2-6-48. Legal.

FoodU.O.21975-A-48-2,
D/2-6-48.

LEGAL DEPARTMENT

Draft Notification at (N): It is presumed that the word "States" occurring in the second sentence of Note (2) in amendment (2)(iii) refers to Pudukkottai State only. This has been made clear on the draft. The other alterations indicated in red ink in draft amendment (2)(iii) may also be made.

M above: The fact that the Government of India have given their permission to the extension of the Act to Banganapalle and Pudukkotai States, does not give rise to the presumption that the concurrence of the Government of India is not necessary for the extension of the orders under reference to those States. No doubt it is possible to hold the view that the present proposals are only to extend to a part of the Province the orders already in force in the rest

contd:-

of the Province which were issued with the concurrence of the Government of India. As the matter cannot be said to be free from doubt, it is safer to obtain the concurrence of the Government of India.

4-6-48.

4.6.48

Legal U.O.6825-1
4-6-48.

FOOD(A)

A.S.

Please see notes of Legal Department at pages 5-6 above. The alterations made in red ink in the revised Note under Schedule II suggested inthe draft at (N), may be accepted.

Yes.
M.A.K.
5-6-48.

With reference to para. 2 of the Legal Department's notes, it is submitted that some the food control orders have already been amended and extended to the Pudukkottai and Banganapallee States without obtaining the prior concurrence of the Government of India. In the circumstances it is for orders whether the prior concurrence of India may be obtained in the present case. Subject to orders, a draft telegram is submitted for approval.

Pl.put up that file
M.A.K.
5-6-48.

M.S.
5-6-48.

A.S.

M above: The pp. referred to are put up at (R)

N.A.
8-6-48. S.

A.S.

Please see notes on p.6 above. Attention is invited to the telegram at p.29 c.f. in L.F. in which the Government of India have already given their permission for the extension of the Essential Supplies (Temporary Powers) Act, 1946, and orders and notifications issued thereunder to the Banganapalle and Pudukkottai States. In view of this, it does not appear necessary to obtain the prior concurrence of the Government of India for issue of each order separately. Therefore, the suggestion of the Legal Department at B on p.6 ante need not be accpeted.

Two draft orders in complete form incorporating the revised draft Notifications suggested by Legal are now submitted for approval. Attention is again invited to the notes at K on pp.4-5 above and in order to overcome the difficulty pointed out therein, a second para is added to the Order in the Draft I, giving special instructions to the S.G.P. for publishing the Notifications. The two drafts may now issued.

N.A.
11-6-48

M.A.K.
11-6-48.

Issued as G.O.Ms.No.532, Food dated 12-6-48.
Issued as G.O.Ms.No.533, Food dated 12-6-48.

/True Copy/

A. Thiagarajan
28.12
Office Assistant,
Madras Record Office.

9-11-